

REMARKS

Claims 9-14 and 16 are pending in the application and stand rejected.

Claim Objections

The Examiner objected to claim 16 for suggesting that the term “the new application” be changed to read “the new application file.”

In response, Applicant submits the present amendment to claim 16 obviates this objection.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claim 16 as being indefinite for failing to particularly point out and distinctly claim the invention.

Applicant submits the present amendment to claim 16 obviates this rejection.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 9, 10, 12-14 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davies (US 2002/0073244) and Moonen (WO 02/09350).

Independent Claim 9

In the Amendment filed July 1, 2009, it was submitted that Davies and Moonen fail to disclose, “wherein each of the plurality of controlled devices includes a home network middleware module for communicating with the application server, and an application management module for installing a new application or managing an already installed application by controlling the application server.”

As evidenced by the Examiner’s comments in the Response to Arguments section of this Office Action, the Examiner is relying on the applied references as follows:

(1) Davies discloses “a plurality of controlled devices . . . wherein each of the plurality of controlled devices includes a home network middleware module for communicating with the

application server." Office Action, p. 13. However, the Examiner concedes Davies fails to disclose wherein each of the plurality of controlled devices includes an application management module for installing a new application or managing an already installed application by controlling the application server. *See* Office Action, p. 5.

(2) Moonen is relied on as teaching "a bridge device including an application module for installing a new application or managing an already installed application by controlling the application server." Office Action, p. 13.

As a rationale for modifying Davies the Examiner alleges it would have been obvious for one of ordinary skill to include the application management module of Moonen in Davies controlled devices in order to automate the installations of application files downloaded from a central server so the user does not have to manually perform the installations. *See* Office Action, p. 14.

In response, Applicants continue to submit the Examiner has failed to establish *prima facie* obviousness. Specifically, while Davies may disclose a controlled device containing various software modules, this in no way provides a reason to include all software modules on the controlled device. Rather, the particular function of the particular software module must be taken into consideration.

Notably, the Examiner relies on installation manager 122 from Moonen as corresponding to the recited "application management module." However, this installation manager 122 is not installed on a plurality of controlled devices. Specifically, Moonen discloses that this installation manager 122 is located on a bridge 118, which is not one of the plurality of controlled devices, i.e., device A1 104, device A2 106, device A3 108, device B 112, etc. In other words, this installation manager is located on a bridge 118, which hosts translation modules for

communicating between each of the plurality of devices. *See* Moonen FIG. 1. In this regard, the installation manager 122 handles the installations of software components needed to integrate a new device (device B 116) into the system 100 when new device B 116 is added.

Moreover, Moonen itself includes a plurality of controlled devices, yet fails to disclose including the installation manager 122 on more than one device. **Accordingly, the Examiner's rationale to combine contrasts with the exact reference relied on for the modification.**

Thus, as there is no reason to include the installation manager 122 on a controlled device, the Examiner's rationale to combine fails. Therefore, the Examiner has failed to establish *prima facie* obviousness.

Thus, even if Davies and Moonen could be combined as suggested by the Examiner, the suggested combination fails to disclose all the features recited in claim 9.

Therefore, claim 9 is allowable for at least this reason. Additionally, claims 10-14 and 16 are allowable, at least by virtue of their dependency.

Claim Rejections - 35 U.S.C. § 103(a)

Claim 11 stand rejected as being unpatentable over Davies and Moonen, in further view of Motoyama (US 7,058,719).

Because Motoyama fails to compensate for the above noted deficiencies of Davis and Moonen, Applicant submits claim 11 is allowable, by virtue of their dependency from claim 9.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/David P. Emery/

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

David P. Emery
Registration No. 55,154

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: January 4, 2010